App. F. IX-4

Previous References

192 (

File No.

Serial Nos.

3 – 21 to 12
25 – 28
Later References
Misc 185
Law 26-36-1-2—

General and Revenue Secretariat.

Serial Nos.

Part B for March 31

SUBJECT

Trading under forest management
Experts Endowed to Rakshi
Narasimha Rao's Charities at Mysore

G.O. No. 2123-6 / Misc. 188-30-S & 28-3-31
To the Accountant General, the Pub. Prosr
& the Comptroller
Sanctioning the Engagement of the Services of the
Law Firm to defend the suit & to pursue
the Enquiry and Rao against forth—

General and Revenue Secretariat — File No. 188 of 1930.

Serial No.

Letter no S.RS/30-31 dy 7.11.30 from the Mysore Commissioner requesting a modification of G.O. No 2749-50 dy 30.5.31 so as to include Sadas and all the endowed Archaks of Bekkal Nakasappa's Charities among those to be brought under Government Management.

Advice has been received on this subject from the Sundara Ras advocate on behalf of Mr N. Krishnaswamie Rao in the Law Secty. This file will, if approved, be sent there as it is regd matter there

18/11

18/11

Law Secretariat.

13.11.30

File No. of 193

General and Revenue Secretariat

No. 525 Muz 2
20-31

OFFICE OF THE ~~REVENUE~~ Muzrai COMMISSIONER
IN MYSORE.

Dated, Bangalore, 29th November 1930.

FROM

P. Rajagopalachari, Esq., B.A., B.L.,
~~Revenue~~ Muzrai *Commissioner in Mysore.*

GENL. & REV. SECT. 2 - DEC 1930 806 MUZRAI.

166 Law

To

Financial
The ~~Chief~~ Secretary to the Government
of His Highness the Maharaja of Mysore, Muz 188-30-2
Bangalore.

FINANCIAL SECRETARY 1 VB

SIR,

In continuation of this office letter C.No.525/30-31 dated 7th November 1930 in the matter of the management of the charities founded by the late Mr. Bakshi Narasappa, I have the honor to forward herewith copy of letter No.M.S/M.C. dated 14th November 1930 together with copies of its enclosures received from the Deputy Commissioner Mysore District, giving enclosure to a notice issued to him by Mr. N. Krishnaswami Rao through his counsel intimating that a suit for the cancellation of Government Order No.2749-50/Muz.3-26-12 dated -- 29/30th May 1930 would be filed within a period of two months unless withdrawn before that period and to request that sanction of Government may be accorded to engage the services of the Public Prosecutor Mysore, to defend the suit when it is actually filed, the charges to be incurred being met as proposed by the Deputy Commissioner.

2644 3/12

Secy. The records connected with the Case have been sent to Law Secy in connection with which reference same Secy. This may be referred to Law Secy for action or advice

A MSK 3/12 ~~Law~~ H. Secy 5 VS 3.12.30

I have the honor to be,

Sir,

Your most obedient servant,

Muzrai Commissioner.

Letter No. H.8/A.C. dated 14th November 1930 from the Deputy Commissioner, Mysore District, to the Muzrai Commissioner in Mysore Bangalore.

Subject:- Assumption of management - lands endowed to Bakshi Narasappa's Charities - Notice of suit under Section 80 C. P.C.

....

With reference to Government Order No. 2749-50/Muz.3-26-12 dated 29/30th May 1930 directing the assumption of management of the Inam lands endowed to the Late Mr. Bakshi Narasappa's Charities, and in continuation of my letter No. H.8 A.C. dated 25th September 1930, I have the honor to state that Mr.N.Krishnaswami Rao has issued me a Notice, through his Counsel under Section 80 of the C.P.C. threatening that he would file a Civil Suit for the cancellation of the above Government Order within a period of two months, unless it is withdrawn before that period. A copy of the notice received by me on 11th November 1930 is submitted herewith for kind perusal.

The services of the Public Prosecutor for defending the suit will have to be engaged after the suit is actually filed and summons are received from the court.

3. I request the sanction of Government may kindly be conveyed, for engaging the services of the public prosecutor.

4. As regards the recurring charges that may be required in connection with the suit, it may be stated that the charges will have to be met from the arrears of amount, due to the Charities from the ryots of Kestur village, which are being recovered by the Amildar of Yedatore Taluk, and credited to a separate S.B. Account in favour of the charities. I request that necessary sanction of Government may also be kindly conveyed in this behalf.

"C o p y"

For Muzrai Commissioner.

Letter No. H.8/A.C. dated 14th November 1930 from the Deputy Commissioner, Mysore District, to the Muzrai Commissioner in Mysore Bangalore. (3)

Subject:- Assumption of management - lands endowed to Bakshi Narasappa's Charities - Notice of suit under Section 80 C. P.C.

....

With reference to Government Order No. 2749-50/Muz.3-26-12 dated 29/30th May 1930 directing the assumption of management of the Inam lands endowed to the Late Mr. Bakshi Narasappa's Charities, and in continuation of my letter No. H.8 A.C. dated 25th September 1930, I have the honor to state that Mr.N.Krishnaswami Rao has issued me a Notice, through his Counsel under Section 80 of the C.P.C. threatening that he would file a Civil Suit for the cancellation of the above Government Order within a period of two months, unless it is withdrawn before that period. A copy of the notice received by me on 11th November 1930 is submitted herewith for kind perusal.

The services of the Public Prosecutor for defending the suit will have to be engaged after the suit is actually filed and summons are received from the court.

3. I request the sanction of Government may kindly be conveyed for engaging the services of the public prosecutor.

4. As regards the recurring charges that may be required in connection with the suit, it may be stated that the charges will have to be met from the arrears of amount, due to the Charities from the ryots of Kestur village, which are being recovered by the Amildar of Yedatore Taluk, and credited to a separate S.B. Account in favour of the charities. I request that necessary sanction of Government may also be kindly conveyed in this behalf.

"C o p y"

For Muzrai Commissioner.

(4)

Notice dated 8th November 1930 from Mr. S. Sundar Rao, B.A.,LL.B. High Court Advocate, Mysore, to the District Muzrai officer, Mysore District, Mysore.

Notice under Section 80 C. P. C.

Under instructions from my client Mr. N. Krishnaswamy Rao son o Rai Bahadur Bakshi Narasappa, Mysore, I hereby give you notice that the Government Order No.2749-50/Muz.3-6-12 dated 29/30th May 1930 pass with respect to the charities founded by Rai Bahadur Bakshi Narasappa Mysore has proceeded on an erroneous and imperfect appreciation of the facts of the case, that in the first place, the institutions cannot be classed as ordinary Muzrai ones for the reason that it is not Governme which endowed lands for their benefit, but it is Bakshi Narasappa who has created a charges on his properties for their proper running an maintenance and has fixed a scale of expenditure therefore in his will dated 22-9-1873, resering to himself and his decedents an interes of a residuary or beneficial nature by directing that from the profits arising out of the said properties a sum not exceeding Rs.2035-3-4 nee be spent for the temple and Chatram, and that the management of the charities shall always rest with his family, (in other words, it is a religious dedication of a less complete character, in which the --- properties are to be enjoyed by his family with a liability to pay the said amount towards the expenses of the temple and Chatram); that the said lands were given to Bakshi Narasappa as personal Inam in terms of the Sannad dated 15-5-1861 and their classification as Dharmadaya is faulty in as much as full assessment is also being recovered on the Arjunahalli lands since the last 50 or 60 years; that Government -- proceedings No.1265-9 Muz.17 -15-2 dated 2-11-1915 which say that the charities are endowed with 25 acres of wet land are based on misconcep of facts and imperfect understanding of the records of the case: that my client's consent thereto has not been voluntary but extracted by the undue influence of Mr. L. Krishna Rao who was then special Land ---- Acquisition officer, Krishnarajasagara that my client became -- aware of the deterimental effects of the said proceedings in 19 6, that as a matter of fact no new land was given to my client that the -- Government have even charged Rs.160/- per acre as upset price for the said lands; that the Government who played the part of t e mediator through Mr. L. Krishna Rao between the Inamdar (my client) and the ryots have not as yet discharged their responsibility but w

the Inamdar to collect the arrears of the Gutta due nor has the Government collected the consideration amount due from the -- ryots fully for the transfer of the Patta to them; that the Government were legally wrong in undertaking the management of the Charities during my client's minority, that the charges levelled against my client in the preamble to the Government Order under reference are not well founded, that whehever the Government authorities demanded a statement of accounts my client has sent and is sending the same; that there could be no greater infringement of my client's right than the denial by your goodself and the Government the right of Bakshi Narasappa to make a will with regard to these charities; that there has been no mismanagement or breach of trust on the part of my client, neither has theobject of the endowment failed, that the daily performance of the pooja in the temple and utsavams on extraordinary occasions, the daily feeding of poor brahmin students and travellers in the Chatram are proof positive that the Charities are always being run in full swing; tha you have attempted to execute the said Government order quite contrary to its terms in having issued notices to the tenants of the shops in the chatram building not to pay the rent to my client; that as your action in this respect is unwarranted and uncalled for I hereby request you to recall and revoke the said notices; that for the aforesaid reasons the Government order under reference is ultra-vires; and if the said order which has been passed under Section 18 of the Religious and Charitable Institutions Regulation is not revoked within two months from date of the receipt of notice, and my client allowed to run the charities as per directions contained in Bakshi Narasappa's will, a suit will be filed thereafter under Section 21 of the said Regulation against you for cancellation of the said Government order at your risk and peril as to costs and consequences.

"C o p y"

For Mofussil Commissioner.

(6)

General and Revenue Secretariat | Revenue File No. 188 of 193

Serial No.

10) Opinion in file Law 69-30 (Noted by Mr Sundara Rao)

G.O. of 30th May 1930, shows that the inamlands of the Bakshi Narasaiah's chantes are ordered to be resumed for mismanagement by the trustee. The Members minute 2284/30 in Revenue file 3rd of 26 (56/1872) indicates that the action taken was not under Sec. 18 of 1862 but under Sec. 11 of 1852 but under the Chief Commr's Notn. of 1877. As however indicated in the legal opinion given in the above file, it is possible to construe the order of 30th May to be one under Sec. 18 and hence the threatened suit cannot be said to be not maintainable. It may however be awaited and defended if instituted

Legal R?

Ir. 5/11

2 r

from the D.C

absolute ledge

dy Pm.

6/12.

To mi. Law file 69-30. (Revenue No. 2346/P/30)

11) The Law file with its appln. be returned as it was be

12 Mar

13. Yes

8.12.30

Note -Contn Sheet

WD 02328—GPB—10,000—22 4-30

674 5836

File No | of 1930 | General and Revenue Secretariat

Serial No

that the Public Prosecutor maybe engaged to ~~the suit to be filed~~ Suit actually filed and asked to obtain necessary instructions from the Secretary when the threatened suit is actually filed and that the question of action in the line suggested in his letter No. 5225/J7-11-30 dt 1/12/1930 will be considered later on after seeing what action the other party takes.

H. Secy)

8.12.30

OFFICE OF THE FIRST MEMBER OF COUNCIL 16 DEC 1930 No. 5936

4578

14) Report from the DC called for by the Law Secy may be availed.

1st Member)

9.12.30

15 CSB 11/12

B (3-1-31)

16) The linked file contains the Deputy Comm's report and the opinion of the Law Secy. The points for orders are (1) whether the resumption has to be made under Chief Comm's Notn of 1877 by the Revenue authorities and (2) whether all endowed properties including ships

Note–Contn Sheet

General and Revenue Secretariat | File No. 188 of 1930

Serial No.

Should be resumed or only Dharmadaya Inam lands.
(Ref: paras 8 & 12 in cited file)
also notes in the CWR 3 yrs 6 14-12 Plgs S.P. & Subrd. foresters

29/12/30

H Sec 30/12/30

Financial Secretary's Note in Law File No. 69-3

18) I am sorry there has been a serious misconception by the Deputy Commissioner, Mysore, of the scope of the G.O. of the 29th May 1930, and I fear some difficulties have cropped up in consequence.

19) The operative part of the G.O. is contained in the second sentence of para. 3. It is as follows:

"The conditions of grant of the Dharmadaya Inam lands not having been fulfilled, Government have resolved to resume the lands and arrange for their management for the benefit of the Institutions."

20 It is absolutely clear from this that the decision of Government was based under the Chief Commissioner's Notification of 1877. The Deputy Commissioner was clearly in error in having construed the order as having been passed under the provisions of the Mysore Religious and Charitable Institutions Regulation of 1927 and in having issued instructions to the Sub-Divisional Officer, Mysore, to execute the

Note—Contn. Sheet

WD 02328—GPB—10,000—22-4-30

Serial No

order on 23rd February 1931 if no suit was filed ~~before~~ before that date. His proposal requesting the Muzrai Commissioner for obtaining orders of Government to take over the management of the endowed shops also under the control of Government evidently shows that he has not appreciated the difficulties involved in the action suggested by him.

21) In supporting the Deputy Commissioner's proposal in his letter of 7th November 1930 (P.U.D. I) the Muzrai Commissioner also labours under a similar misconception.

22) The decision of Government as communicated in the order under advertance, resuming the Dharmadaya Inamlands only, on account of the failure of the conditions of the grant, under the powers vested by the Chief Commissioner's Notification of 1877, has been passed after very careful consideration and it is not desirable to alter or amend this order at this stage.

23) In the notice issued on behalf of Mr. Krishnaswami Rao it is contended that "the said lands were given to Bakshi Narasappa as personal Inam in terms of the Sannad dated 15th May 1861 and their classification as Dharmadaya is faulty" &c. This point has been specifically raised and disposed of in the second para. of the Government Order of 29th May 1930. The Muzrai Commissioner in his letter of 6th February 1929 para. 6, observed as follows:-

Note–Contn Sheet

General and Revenue Secretariat | File No. of 193

Serial No.

24 is no doubt that the lands endowed to the charities are Dharmadaya Inams and that the contention of Mr. Krishnaswami Rao to the contrary is quite untenable."

25 It has been established that there has been long and persistent mismanagement of the Dharmadaya Inam lands endowed to the charities and Government have decided to resume the lands and manage them for the benefit of the institutions. If a suit be filed, I think, we have to contest it.

26 There is, however, one important allegation in the notice about which further action is necessary. It is stated that the Deputy Commissioner has issued notices to the tenants of the shops in the chattram building not to pay the rent to Mr. Krishnaswami Rao His contention that the Government order does not contemplate the taking over of the control of the shops, is quite correct and the view held both by the Deputy Commissioner and the Muzrai Commissioner in this respect is erroneous. If any prohibitary notices have been issued by the Deputy Commissioner to the tenants of the shops in the chattram building they must immediately be revoked. Instructions have therefore to be issued to the Deputy Commissioner in this behalf at once. Barring this, no furthere action need, I think, be taken in respect of the notice issued on behalf of Mr. Krishnaswami Rao.

A

Intd. B.S.
30-12-30

First Member Thro' Legal Remembrancer

NOTE - Contn. Sheet

WD 02553—50,000—GPB—8-7 30

27) Action as at (4) must be taken immediately and the Deputy Commissioner and the Rev. Commr. definitely instructed to proceed further with the resumption proceedings according to the Notification of 1877.

28) A formal reply to the Notice that the Government Order of 30th May 1930 was not under Sec. 18 of Regulation VII of 1927 but under the Chief Commissioner's Notification of 1877, appears to be necessary, so as to avoid unnecessary litigation in the matter, if possible. This will make our position stronger in defending the suit, even if it is instituted.

Intd. N.R.J.
30-12.

Asst. Secy., Law Deptts.

29)

Intd. N.S.I.
30-12.

First Member)

agree.

30)

Intd. C.S.B.
3-1- Intd. N.S.I. 5/1

31) Muz. Branch for further action and return of the file afterwards, in order that the reply to the notice may be sent in time.

Intd. N.R.J.
5-1

32) For perusal of draft letter to M.C. before issue.

Intd. B.S.
6-1-31

Dewan)

33) Intd. M.N.K.
6-1-31

Issue.

34) Intd. U.S.
7-1-31.

(12

App. F. III—2

General and Revenue Secretariat | Mysore File No. 188 of 1930

Serial No.

Letter no 1472 of 7.1.31 to the Mysore Commissioner stating that the prohibitory notices ~~referred to therein~~ issued by the Deputy Commissioner should be revoked and that the Deputy Commissioner Mysore will be asked to continue the resumption proceedings referred to therein under the Revenue Rules

No 1473 of 7.1.31 to the Deputy Commissioner Mysore forwarding copy of the letter referred to in Letter no S 25/30-31 of 10.3.3 from the Mysore Commissioner forwarding for information copy of letter no M-8/A-C. of 18/2/1931 together with copies of enclosures thereto from the Deputy Commissioner Mysore addressed to Law Secretary submitting a copy of the draft reply proposed to be issued to Mr. S. Narasimha Rao Representing Mr. N. Krishna Swamy Rao

Sas 14/1/31

25 This may be placed in Law Secretariat for perusal & return.

Sd/ MSK 16/3

For perusal and for kind note as to which portion if any of the draft reply has been asked by the Law Secretary to be deleted or altered

Law Secretary with compliments

MSK 15/3/31

Law Secretary

16.3.3.

NOTE—Contn Sheet

WD 02553—50,000—GPB—8-7 30

File No. of 193 | General and Revenue Secretariat

the last two paras of the dft repl vg para 4 & 5 have been asked to be omitted According final repl d 25.2.31 has already been sent by the Dpr. Mysore.

ISD 18/3

The file concerned may be sent (or a copy of the repl) to Mys Br for perusal & return

Bnl 1873

A copy of the repl received from D.C. Mysore is put up

To

(1) Mys Br with Compts

ISD 19/3

Bnl 19.3

LR Submitted for perusal

W&L 19(3)31.

H. Secy) 23.3.31

43

Member) 24.3.31

45) 24(3)31

The file may now be returned to Land Sect.

25/3

1292

App. F. III—2]

General and Revenue Secretariat — File No. — of 193

Serial No.

PWD

302 / Law

OFFICE OF THE ... 28 MAR ... No. 715

Memo No 525/30-31 dt 21.3.31 from the Mysore Commissioner forwarding copy of letter No H-8/A&C dt 19.3.31 from the Deputy Commissioner Mysore enclosing addressed to the Law Secretary in the matter of the resumption of land in the Bakshi Nagaraj appa's Chawdis Mysore —

Orders of the Secretary on the P. W. D. & Revenues —

Subject to the respective Rule Orders [illegible] are perhaps necessary on para 2 of the D.C.'s letter to the Law Secy

Jt. Secy) 26.3.31

The resumption of Inam is ordered under the powers vested in Govt by the Chief Commr's Notn. It appears therefore unnecessary to await the results of the suit for taking action as above.

1st Member Mys. R. 26/3/31

P.W.D.
Memo No: 525/30-31 dt 26-3-31 from the Mysore requesting instructions in the matter of the Public Prosecutor, Mysore Dt. to defend the suit the charges being met from the funds at the credit of the chairs in the Bakshi Nagaraj Devasthanam at Nanjangud may be approved.

(4)

Jt. Secy) 27.3.31

SP) 27.3.31

3) Instructions to the D.C. Mysore regarding A are proposed to be given in the linked file, which is also now for orders —

As regards sanction to engage the Pb. engineer, the draft G.O. portion may issue above from the Revt. Secty.

NOTE—Cloth Sheet

WD 02553—GPB—50 000—8 7 30

The copy of the plaint sent with the D.C.'s letter with consent to the Law Secretary if approved

yes
VS
28.3.31

Linkage file 4411 & 20 roll

G.O. No 2123-26 dy 28/3/1931
Sanctioning the services of the Public Prosecutor Mysore to defend the Suit referred to therein on behalf of the Northern Taluks Municipal Officers.

This may kindly be sent to Law Secretary for placing a copy of the instructions to the D.C., Mysore in reply to his letter 12-331 & the Pleader instructed to appear in the suit.

Law Secretary

30/3

A Copy of the resn instructing the D.C. Mysore to proceed with the execution of the G.O. of 30th May 1930, is sent up.

To

Mysore with Compts

ISD 4/4

In TSD
The Collectors in this file will be necessary for the Suit. You may place necessary regns & have them in the file BV has no objn

Rattan 6/4

General and Revenue Secretariat

Mug File No. 187 1930-1

Serial No.

As per instructions received, Collections Mug 3-26-12 and Mug 323-08-14 may kindly be immediately returned to Genl Records.

By Records for needful

GS
8/4

The above two collections sent to Genl Records

8/4

The papers have been seen

RS MSK
8/4

By

File No of 193 General and Revenue Secretariat

OFFICE OF THE MUZRAI COMMISSIONER IN MYSORE,

Bangalore, ...4th....November.....1930.

7

8.11.30. No 525 / 30-31-Eve.

FROM S. P. Rajagopalachari, Esq., B.A., B.L.,
Rajakaryaprasakta
~~EXECUTIVE ASSISTANT, BANGALORE,~~
Muzrai Commissioner in Mysore.

Muz 188-30-1

To

The Secretary to the Government of Mysore,
Financial Department.

Adverting to G.O. No.2749-50/Muz.3-20-12 dated 29/30th Pha. 1930 in the matter of the management of the charities formerly conducted by the late Mr. Bakshi Narasappa, I have the honor to forward herewith copy of letter No. H.8/AC. dated 24th September 1930 from the Deputy Commissioner Mysore District, and to request that in the circumstances explained action taken by the Deputy Commissioner to give effect to the Government Order after the expiry of 6 months from the date of notice under Section 21 of the Muzrai Regulation, i.e., 23rd February 1931 may be approved.

Mr. Krishnaswami Rau has contended that the shops adjoining the temple of Sri Subrahmanyaswami attached to the Charities should not be taken under Government management, as the said Order does not specifically mention them. This is purely a technical objection as on the wording of para 3 of the Government Order referred to above "that Government have resolved to assume the said lands and buildings in their management for the benefit of the institutions", a decision has been made of the shops adjoining the temple. I believe, it was also the intention of Government to take over the management of the shop properties only belonging to the Charities - to wit, houses, retaining the rest in the hands of Mr. Krishnaswami Rau.

In this connection I beg to state that [illegible] to the assumption of the said shop premises as above, [illegible]

para 2 of their order No.2523-4/Muz.100-92 dated 23-2-1904, have stated that the management of the temple and the Chattram together with their endowments be assumed by Government in the Muzrai Department and the later G.O. No.4195-6/Muz.100-92 dated 15-5-1905 sanctioning a scale of income and expenditure in the Charities indicated this intention in greater detail as the income from the shops was also taken into account on the receipt side. This is further confirmed by the fact that the present G.O. has been passed confirming the Deputy Commissioner's order dated 5-7-28 definitely including all the endowed properties to be brough under Government control in conformity with the terms of the will of the late Mr. Bakshi Narasappa which states that the shops and the lands are endowed to the temple and other Charities.

In these circumstances, I request that the Government Order may be modified so as to include the shops and all other endowed properties among those to be brought under Government management.

The favour of early orders is solicited.

I have the honor to be,

Sir

Your most obedient servant,

J Rajagopal

Muzrai Commissioner.

AM/

Letter No.H.8/AC. dated 24-9-30 from the Deputy Commissioner, Mysore District, to the Muzrai Commissioner in Mysore.

Subject:- Late Mr. Pakshi Narasappa's Charities, Mysore, Management of endowed properties.

With reference to C.O. No.2749-50/Muz.3-26-12 dated 29/30-5-30 (copy received with your Memo No. R.Dis.30/30-31 dated 1-8-30) directing the assumption of the management of the Dharmadaya Inam lands in Yedatore Taluk, endowed to the late Mr. Pakshi Narasappa's Charities, Mysore, I have the honor to state that notice of the fact of the order of Government was sent to Mr. Krishnaswami Rau and that he has acknowledged the same on 23-8-30.

In reply to the notice, Mr. Krishnaswamy Rau has presented to me an application on 15-9-30, through his counsel, stating that the order of Government can be executed only after the expiry of six months from the date of receipt of notice as per Sec:21 of the Mysore Religious and Charitable Institutions Regulation of 1927. I have issued instructions to the Sub Division Officer, Mysore, that the order of Government may be executed on 23-2-1931, if no suit is filed before that date.

Mr. Krishnaswami Rau contends that the shops adjoining the Sri Subrahmanyeswaraswami temple on the Kalyani Maidan, Mysore City, cannot be taken under the control of Government as it is not contemplated, in the Government Order dated 29/30-5-30. The order of the District Muzrai Officer passed on 3-7-28 is clear as it is stated therein that all the endowed properties should be taken under the control of Government. In the copy of the will executed by the late Pakshi Narasappa both the shops and the lands at Kachuvinahalli Kaval, Yedatore Taluk, are stated to have been endowed to the temple and other Charities. Even in the G.O. No.33-5/Muz.323-Co-14 dated 4-7-1913 directing the restoration of management of the Charities, it is stated that the temple and Chattram together with their endowments be restored to the possession of Mr. N. Krishnaswamy Rau. Moreover, this is a Trust Property, and it would not be to the advantage of the Trust that the endowed lands should be managed by Government and the endowed shops to be managed by Mr. N. Krishnaswamy Rau. As it stands, the management of endowed properties would come under dual control, and if Mr. Krishnaswamy Rau can be trusted with a portion of the Trust Properties, he can as well be trusted with all the properties.

Under the circumstances, I request that Government may kind moved to direct the taking over of the management of the endowed shops also under the control of Government.

"COPY"

For Khazrai Commissioner.

SUBJECT.....

.....

.....

Diary No. of letter replied to.....

General and Revenue Secretariat
( )
the *193* .

Date of issue.....

Signed by.....

List of enclosures.....

Copied by.....

Examined by.....

Immediate

Section Mucy
File No. 188-30
Serial No.
No.

To The Muzrai Commissioner

Sir,

With reference to your Letter Correspondence
No. 525/30-31 dated 7th Nov. 19
regarding the resumption of
the Dharmadaya lands
endowed to the temple and
Chattram established by
the late Bakshi Narasa Ayya
in the Mysore City and
~~subsequent correspondence~~
I am directed to state
that the Govt order of
the 29th May 1930
[illegible]

There can be no
further objection
Mad

W D02559—GPB—25,000—25-6-30

to the resumption of Dharma-
daya Inam lands only ~~and~~
to request that ~~immediate~~
action should be taken
~~to revoke~~ prohibitory notices ~~if any~~
issued by the Deputy Com-
missioner, Mysore District
to the tenants of the shops
in the Chattram building
not to pay the rent to
Mr Krishnaswami Rao.

~~I am to point out~~
~~that resumption proceedings~~
~~should be taken by~~
Deputy Commissioner ~~on the Revenue Side~~
in accordance with the
provision of the Chief
Commissioner's Notification
of 1877, and not under
the Inam Regn No 7 of 1927.

I have &c

6/1/31

Secy to Govt
Jl Dept

under the powers vested
in him under the Chief Comm
No 266 dated 17th
Nov 1877.

if as alleged by Mr Krishnaswami
Rao

The order notice should be immediately
revoked.

asked
should be ~~distinctly told~~ to continue
the resumption proceedings under the
Revenue

Copy of the letter
with reference to this is to
be sent to
the Mr C

Immediate

No 1672

To Mysg

The Muzrai Commissioner.

Sir,

With reference to correspondence ending with your letter No. 525/30-31 dated 7-11-30 regarding the resumption of the Dharmaiya lands endowed to the temple and chattram established by the late Bakshi Narasapp in the Mysore City, I am directed to state that there can be no doubt whatsoever that t the Government order of the 29th/30th May 1930 referred to the resumption of Dharmadaya Inam lands only under the powers vested in Government under the Chief Commissioner's Notification No. 266 dated 17th Nov. 1877. I am to request that if, as alleged by Mr. Krishnaswami Rao, prohibitory Notices have been issued by the Deputy Commissioner, Mysore District to the tenants of the shops in the Chattram building not to pay the rent to Mr. Krishnaswami Rao, such notices should be immediately revoked. The Deputy Commr. should be asked to continue the resumption proceedings under the Revenue Law in accordance with the provision of the Chief Commissioner's Notification of 1877 above referred to and not under the Muzrai Regulation No. VII of 1927.

6.1.31

Fl. Secy. to Govt.

Copy to D.C. Mysore with reference to his letter No. A 8/4c dated 20-[illegible] to the Muz. Commr.

M. C. 13]

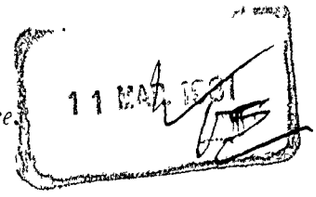
No. 525/30-31
Rev 3.

OFFICE OF THE MUZRAI COMMISSIONER
IN MYSORE,

Bangalore, 7th March *193*1
10

FROM

S. P. RAJAGOPALACHARI, ESQ., B.A., B.L.,
Muzrai Commissioner in Mysore.



To

Rajasevaparayana
B. Srinivasa Iyengar, Esq., B.A., B.L.,
Secretary to Government of His Highness
the Maharaja of Mysore,
Financial
Department.

SIR,

Referring to correspondence ending with your letter No.1472/ Muz.188-30-3 dated 7th January 1931 re the resumption of the Dharmadaya lands endowed to the late Bakshi Narasappa's Chattram in Mysore, I have the honor to forward herewith for favour of information copy of letter No.H.8/A.C. dated 18th February 1931 together with copies of its enclosures received from the Deputy Commissioner, Mysore District, addressed to the Law Secretary to Government submitting a copy of the draft reply proposed to be sent to Mr. S. Sundara Rao who ------- represents Mr. N. Krishnaswami Rao.

I have the honor to be,

Sir,

Your most obedient servant,

S P Rajagopal

Muzrai Commissioner.

No.H.8/A.C.

Office of the Deputy Commissioner,

Mysore District.

Dated Mysore, 18th February 1931.

From

K. V. Anantharaman, Esq., B.A.,

Deputy Commissioner,

Mysore District.

To

P. Mahadevayya, Esq., B.A., B.L.,

Law Secretary to the Government of Mysore, Bangalore.

Sir,

Resumption - lands endowed to Bakshi Narasappa's Charities - Mysore.

With reference to your letter No.P.4258 dated 17th --- January 1931 requesting the submission of a copy of the reply sent to the notice issued by Mr. S. Sundara Rao, I have the honour to state that the Public Prosecutor, Mysore Division, intimates that a copy of the draft reply was sent to you on 15th ------ February 1931. A copy is sent herewith for ready reference.

2. I request the favour of your approval to the draft reply or other instructions in the matter.

I have the honor to be,
Sir,
Your most obedient servant,

(Sd.) K. V. Anantharaman,

Deputy Commissioner,

Mysore District.

"Copy"

Narasinga Rao

For Deputy Commissioner.

Letter No.450 dated 15th February 1931 from the Public Prosecutor, Mysore Division, Mysore, to the Deputy Commissioner, Mysore District.

Resumption of lands endowed to Laksmi Narasappa's Charities

With reference to your letters Nos.H.8/Ac dated 17th January 1931 and 11th February 1931 calling for draft reply to the notice issued by Mr. S. Sundara Rao to you and to the Chief Secretary to the Government of Mysore, on the above subject, I have the honor to submit herewith the draft on the lines of which a reply may be sent to Mr. Sundara Rao as soon as possible.

Copy of the draft reply is also submitted to the Legal ---- Remembrancer with reference to his letter to you(No.P.4258 dated 17-1-31)

Copy of sannad dated 15-5-1861 referred to in Mr. Sundara Rao's letter was not available in the records originally sent to this office. Hence the delay in ~~XXX~~ answering the reference.

The records sent with your letter quoted above are herewith returned.

"C o p y"

Narasappa Rao

For Junior Commissioner

S. Sundara Rao, Esq., B.A., LL.B.,

Advocate, Mysore.

Sir,

With reference to notices of suit under Section 80 C.P.C. issued by you on behalf of Mr. M. Krishna Swamy Rao to the Chief Secretary to the Government of His Highness the Maharaja of Mysore and to the District Huzrai Officer Mysore, I am directed to inform you that G.O. No.2749-50/Huz.3-6-12 dated 29/30-5-30 referred to in your notice was issued under Section 18 of the Mysore Religious and Charitable Institutions Regulation of 1927. The correspondence referred to in the preamble to the Government Order and the enquiry held by the Deputy Commissioner disclosed that lands granted to the late Rai Bahadur Bakshi Narasappa as Inam for the maintenance of Sri Subramaneswara temple at Mysore were diverted from the object for which they were granted. The Government have ordered resumption of the said dharmadaya inam lands at Katchovanahally and Arjunahally by virtue of the powers vested in them under Notification No.266 dated 17-11-1877.

2) Your client's contention that the said lands were given to the late Rai Bahadur Bakshi Narasappa as personal Inam is untenable. Neither the patta dated 15-5-1861 nor the Inam Settlement Register supports the ~~xxxx~~ narrow and restricted interpretation sought to be put on the language of the grant. Moreover your client is estopped from denying that the lands in question are dharmadaya Inam grant. On the other ~~hand~~ (hand) the lands were granted as Inam with the object of preserving the endowment for the benefit of Sri Subramaneswara Temple and not for conferring a benefit on the late Rai Bahadur Bakshi Narasappa or his descendants.

I am directed to decline to enter into correspondence or discussion of the propriety of the Government order noted above or of the ---- several irrelevant allegations made in your notice dated ---- Government and the letter of M. Krishna Rao, Special Deputy Huzrai Officer, Krishnarajasagara.

The Government Order directs payment of the Inam lands

t Katchovanamally and Arjunahally villages is not beyond the -- powers o_ the Governa ent.

Your client is free to seek the aid of competent civil courts and obtain such relief as he may be advised to. It may however be pointed out to him that the order of resumption passed by Governmen has oe n passed not under the Mysore Religious and Charitable ---- Endowments Regulation but under the Chief Commissioner's Notificati No.266 dated 17-11-1877 and that no suit lies against Government in respect of the action proposed to be taken u der the G.O. adverted to above.

"C o p y"

Yrcarasuga Rau

For Huzrai Commissioner.

made in your notice against the Government and the late Mr. L. Krishna Rao, Special Land Acquisition Officer, Krishnarajasagara.

Yours faithfully,

Sd/- K. Ramaswamy,

Public Prosecutor,
Mysore Division.

"Copy"

For Deputy Commissioner,
Mysore District.

klw

23 MAR 1931

Letter No.H.8/AC dated 12th March 1931 fr the Deputy Commissioner, Mysore District to the Law Secretary to Mysore, Bangalore.

Mg 188-30-3

Resumption, lands endowed to Bakshi Narasabba's Charities, Mysore.

In continuation of this office letter No. .8/AC dated 13-2-1931 and with reference to your memo No.P.5204 dated 20-2-1931, I have the honor to submit herewith a copy of the reply issued to Mr.S. Sundara Rao, Advocate, by the Public Prosecutor, Mysore Division.

2. Mr. N. Krishnaswamy Rao has intimated that he has filed a suit in the District Judge's Court for the cancellation of the Government Order dated 29/30-5-1930 and that further execution proceedings as per above Goyernment order may be stayed till the disposal of the suit. A copy of his letter is enclosed for perusal.

3. The Public Prosecutor will be requested to defend the suit after the summons are received from the Court.

4. Under the circumstnces, I request to be kindly informed whether the results of the suit may be awaited before taking further action in the matter.

No. 525 Rev 2
30-3 21/3/31.

Memo.

Copy of the above together with copies of its enclosures, is forwarded with compliments to the Secretary to the Govern ent of His Highness the Maharaja of Mysore, Financial Department, for favour of information in continuation of this office letter dated 10th March 1931.

Yuarasuga Rao

For Luzral Commissioner.

BNR

Letter dated 25th February 1931 from the Public Prosecutor Mysore Division to ~~xxx~~ Mr. S. Sundara Rao, Advocate, Mysore

---

With reference to notices of suit under S.80 of C.P.C. issued by you on behalf of Mr. N. Krishnaswamy Rao to the Chief -- Secretary to the Government of His Highness the Maharaja of Mysore and to the District Muzrai Officer, Mysore I am directed to inform you that G.O.No.2749-50 Luz 3-6-12 dated 29/30-5-30 referred to in your notice was not passed under S.18 of the Mysore Religious and Charitable Institutions Regulation of 1927. The correspondence - referred to in the preamble to the G.O. and the enquiry held by the Deputy Commissioner disclosed that ~~lands~~ lands granted to the late Rai Bahadur Bakshi Narasappa as Inam for the maintenance of Sri Subramanyeswara temple, at Mysore were diverted from the object for which they were granted. The Government have ordered resumption of the said dharmadaya inam lands at Katchovanahally and Arjunahally by virtue of the powers vested in them under the Chief Commissioners Notification No.266 dated 17-11-1877.

Your client's contention ~~xxx~~ that the said lands were given to the late Rai Bahadur Bakshi Narasappa as personal inam is untenable. Neither the patta dated 15-5-1861 nor the Inam Settlement Register supports the narrow and restricted interpretation sought to be put on the language of the grant. Moreover your clinent is stopped from denying that the lands in question are dharmadaya inam granted. On the other hand the lands were granted as inam with the object of preserving the endowment for the benefit of Sri Subramanyeswara -- temple and not for conferring a benefit on the late Rai Bahadur -- Bakshi Narasappa or his descendants.

I decline to enter into a further discussion of the G.O. quoted above or of the several irrelevant allegations made in your notice against the Government and the late Mr. L. Krishna Rao, Special Land Acquisition Officer, Krishnarajasagara.

"C o p y"

Yuvarajaiya Rao

For Muzrai Commissioner.

BVK

Letter dated 25rd February 1931 from N. Krishnaswamy Rao Mysore to the Deputy Commissioner, Mysore District.

I wish to inform you that a suit in the District Judge's Court has been filed by me for cancellation of the Government Order dated 29/30-5-1930 regarding Bakshi Narasappa's charities at Mysore. I request you to kindly send the necessary instructions to the taluk offices concerned not to proceed with the execution of that order till the disposal of the aforesaid suit.

"C o p y"

Yeeraswamy Rao

For Huzur Commissioner.

BM

34

No. 525/30-31

OFFICE OF THE MUZRAI COMMISSIONER
IN MYSORE,

Bangalore, 25th March 1931

Muz 188-30-4

FROM

S. P. RAJAGOPALACHARI, ESQ., B.A., B.L.,
Muzrai Commissioner in Mysore.

25/MAR/1931

GENL. & REV. SECRETARIAT. 1292 MYSORE.

To

Rajasevanarayana
B. Srinivasa Iyengar, Esq., B.A., B.L.,

Secretary to Government of His Highness
the Maharaja of Mysore,
Financial *Department.*

SIR,

In continuation of this office memo dated 21st March 1931, re lands endowed to Bakshi Narasappa's charities at Mysore, I have the honor to forward herewith copy of letter No.II.8/A.C. dated 19th March 1931 together with a copy of its enclosure received from the Deputy Commissioner, Mysore District, stating that A. Krishnasami Rao has filed O.S.No.13 of 30-31 in the District Judge's Court, Mysore, for the cancellation of Government Order No.2749-50/Muz. 3-26-12 dated 29th/30th May 1930 and to request that the Public Prosecutor, Mysore Division, may be instructed to defend the suit, the charges being met as proposed by the Deputy Commissioner.

The favour of early orders is solicited as the case has been posted to 31st March 1931.

I have the honor to be,

Sir,

Your most obedient servant,

Muzrai Commissioner.

Letter No.M.8/AC dated 19th March 1931 from the Deputy -- Commissioner, Mysore District to the Huzrai Commissioner in Mysore.

Suit against Government-resumption of lands endowed to Lakshmi Narasamma's charities-Mysore.

In continuation of this office memo No.M.8/AC dated 14-3-1931 regarding the resumption of lands endowed to Lakshmi Narasamma's ---- Charities, Mysore, I have the honor to state that Mr. N. Krishnaswamy Rao, the present Manager of the Charities, has filed a suit in O.S. No.13 of 30-31 on the file of the District Judge's Court, Mysore (In N. Krishnaswamy Rao Vs. the District Huzrai Officer and the Deputy Commissioner) for the cancellation of the Government order dated -- 29/30-5-30 and I have received summons from the Court to the effect that the suit has been posted for hearing to 31-3-1931.

2. I have accepted service of the summons and sent the duplicate with the copy of the plaint to the Public Prosecutor, Mysore Division for appearance in court on the next date of hearing and to obtain a short adjournment.

3. I request that sanction of Government may kindly be obtained for engaging the services of the Public Prosecutor for defending the suit and for meeting the recurring charges from the funds at the credit of the charities in the taluk Savings Bank account at ------ Yedatore.

3. A copy of the plaint received from the Court is submitted herewith.

"C o p y"

Yacareeja Rao

For Huzrai Commissioner.

BMM

G.R.S. App. F VI G-2]

SUBJECT .....

.....

.....

Diary No. of letter replied to.....

General and Revenue Secretariat

( )

the *193* .

Date of issue...28:3:31.....

Signed by...Jm. V. S. Sastry.....

May this be

(i) Printed ?

(ii) treated as a standing order ?

(iii) published in the Gazette, English Part?

(iv) translated ?

(v) placed at the disposal of the press ?

(vi) published in the Gazette, Kannada Part ?

Sec. Jmy

File No: 188-30

Serial No. 5

Proceedings of the Government of His Highness the Maharaja of Mysore.

Read—

Letter No: 525/30-31 dated 26th March 1931 from the Murarai Cmr in mysore, stating that Mr V. Krishnaswami Rao has filed O.S 13 of 30-31 in the District Munsif's Court mysore for the Cancellation of ~~Order Thereon No.~~ Govt order No: 2749-50/Mur 3-26-12 dated 9/30th may 1930 regarding the resumption of the Inam lands endowed to Basavinarasappa's Charities sanction to engage the services of and requesting ~~him~~ the Public Prosecutor, mysore ~~to be instructed~~ on behalf of the Murarai office, to defend the Suit, the Charges being met ~~as~~ from the mun's

at the credit of the charities
in the Talur Savings Bank
account at Gudalore.

order: 2/23-26 dt 28 3.3/

Sanctioned -

Financial Secy

28/3/74

Do,

1) The Nur Com[v]
2) The D.C. Mysore
3) The PPr, Mysore,
4) Copy to Law Secy.

With copy of the plaint

List of enclosure

Copied by

Examined by

WD 02560 -GPB —11,250 —2 7-30

Proceedings of the Government of His Highness

the Maharaja of Mysore.

Read.-

Letter No. 525 of 1930-31 dated 26th March 1931 from the Muzrai Commissioner in Mysore, stating that Mr. N. Krishnaswami Rao has filed O.S. 13 of 1930-31 in the District K Judge's Court, Mysore, for the cancellation of Government order No. 2749-50/Muz.3-26-12 dated 29th, 30th May 1930 regarding the resumption of the Inam lands endowed to Bakshinarasappa's Charities and requesting sanction to engage the services of ~~a~~ the Public Prosecutor, Mysore to defend the suit on behalf of the District Muzrai Officer, the charge being met from the funds at the credit of the Charities in the Taluk Savings Bank account at Yedatore.

Order No. 2123-28/Muz. 188-30-5

dated, Bangalore, the 28th March 1931.

S a n c t i o n e d .

V Subrahmanyasastri

for Secretary to Government,
Financial Department.

To

The Muzrai Commissioner.
The Deputy Commissioner, Mysore District.
The Public Prosecutor, Mysore.
The Comptroller to Government.

Copy to Law Secretariat with copy of the Plaint.

C.R.G.6.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

Dated, Bangalore, 30.3.31.

No. P. 6160.

From

The Secretary to the Government of His Highness the Maharaja of Mysore,
Law Department.

To

The Deputy Commissioner,

Mysore District.

Sir,

With reference to your letter No.H-8/A.C. dated 12th March 1931 re. the resumption of lands endowed to Bhakshi Paras Charities Mysore, I am directed to state that the execution of the G.O.of 30th May 1930, may be proceeded with in the absence of any prohibitory order issued by the Court in this behalf.

I have the honour to be,

Sir,

Your most obedient servant,

(Sd) N.R.J.

For Secy. to Govt., Law Dept